

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of) MM Docket No.98-214
) RM-9353
Amendment of Section 73.202(b)) RM-_____
(Table of Allotments))
FM Broadcast Stations)
)
Rantoul and Gilman, Illinois)

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JAN 25 1999

U.S. DEPARTMENT OF COMMERCE
FEDERAL COMMUNICATIONS COMMISSION

To: Chief, Mass Media Bureau
Policy and Rules Division
Allocations Branch

COUNTERPROPOSAL

Saga Communications of Illinois, Inc. ("Saga"), by its attorneys, and pursuant to Section 1.420(d) of the Commission's Rules, hereby respectfully files this counterproposal to the Commission's *Notice of Proposed Rule Making* ("NPRM"), DA 98-2435, released December 4, 1998,¹ that, *inter alia*,² proposes to allot Channel 277A to Rantoul, Illinois, as its third local service. The *NPRM* was issued in part due to a petition filed by L. Topaz Enterprises, Inc. ("Topaz") that proposes to allot Channel 277A to

¹ This counterproposal is mutually exclusive with the proposal to allot Channel 277A to Rantoul, Illinois. Comments and counterproposals are due by January 25, 1999, so this counterproposal is timely filed.

² This *NPRM* is the first multiple docket notice of proposed rule making issued in response to a Commission *Public Notice* released October 2, 1998 (DA 98-1987) that combines separate FM allotment proposals into a single *NPRM*. This counterproposal addresses only the proposal to allot Channel 277A to Rantoul, Illinois.

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Rantoul. Saga requests the Commission to deny the Topaz proposal, and instead, amend Section 73.202(b) of the Rules to add Channel 277A to Gilman, Illinois as its first local service. In support whereof, the following is shown:

1. Saga requests the Commission to allot Channel 277A to Gilman, Illinois, as that community's first local service. Attachment A is a Technical Exhibit, which is incorporated herein by reference, that provides the Commission with technical information about the proposed Gilman allotment.

Rantoul, Illinois

2. Topaz proposes to allot Channel 277A to Rantoul, Illinois, as its third local FM transmission service at coordinates North Latitude 40° 19' 10"; West Longitude 88° 16' 10". Rantoul, Illinois, had a 1990 population of 17,212 persons. Rantoul has three commercial broadcast stations: WJCI(AM), operating on 1460kHz; WQQB(FM), operating on Channel 241A (96.1 MHZ) and WZNF(FM), operating on Channel 237A (95.5 MHZ). The proposed Channel 277A allotment would increase the number of FM allotments at Rantoul to three and the number of local aural transmission services to four.

Gilman, Illinois

3. The Technical Exhibit shows that Gilman is an incorporated city which had a 1990 population of 1,816 persons. Gilman has its own U. S. Post Office and ZIP Code, i.e., 60938. Gilman has a police department. There are seven churches in Gilman. The Gilman Area District Library is located there. There are two banks, Central Bank and First National Bank. There are two galleries, Down Thru the Decades Museum and Granny Annie's Attic. There is a theatre, the Palace. There are seven restaurants.

Gilman has medical services, a drug store, and a nursing home. There are two real estate sales companies.³ In light of the existence of the foregoing elements, Gilman possesses the requisite "social, economic and cultural components that are commonly associated with community status." See, FM Table of Allotments (East Hemet, CA), 67 RR 2d 146, 147 (1989). The allotment of Channel 277A would bring first local service to Gilman, since Gilman currently does not have a local station. Gilman is not located in an Urbanized Area. The Technical Exhibit shows that from the allocation site at **North Longitude 40° 40' 59"**, **West Longitude 88° 01' 53"** the proposed city grade contour of a maximum Class A station would cover the entire community of Gilman.

Comparison of Communities

4. Gilman is preferred to Rantoul under the Commission's rule making procedures and section 307(b) of the Communications Act of 1934, as amended. In determining which proposal will better serve the public interest, the Commission is guided by the allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Under priority three, first local service, the community of Gilman warrants a preference since the proposal to allot a third local FM channel to Rantoul would **not** merit a first local service preference. Thus, there would be a preferential arrangement of allotments resulting from the allotment of Channel 277A to Gilman.

³ This information was obtained from a search of the Internet using Yahoo® to locate information for Gilman, Illinois, or from information derived from a telephone call to Gilman City Hall.

Expression of Continuing Interest

5. If the Commission allots Channel 277A to Gilman, Saga will, during any future “window” period file an application or applications for a construction permit for a new station on Channel 277A at Gilman, Illinois, and if Saga obtains a construction permit, Saga, or an affiliate, will construct and operate the facilities within the time allotted by the Commission.

WHEREFORE, Saga respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

Illinois

	<u>Present</u>	<u>Proposed</u>
Rantoul	237A, 241A	-----
Gilman	----	277A

Conclusion

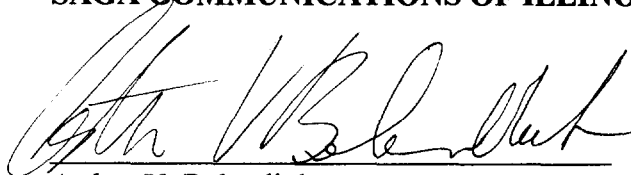
Saga requests the Commission to allot Channel 277A to Gilman, Illinois and deny the proposal to allot Channel 277A to Rantoul, Illinois. As stated supra, if the FCC allots Channel 277A to Gilman, Saga or an affiliate will timely file an application for

construction permit for a new FM station on Channel 277A at Gilman, Illinois, and upon grant thereof, Saga will construct the station and operate it.

Respectfully submitted,

SAGA COMMUNICATIONS OF ILLINOIS, INC.

By:



Arthur V. Belendiuk

Gary S. Smithwick

Its Attorneys

SMITHWICK & BELENDIUK, P.C.

1990 M Street, N.W., Suite 510

Washington, D.C. 20036

(202) 785-2800

January 25, 1999

ATTACHMENT A

COUNTER PROPOSAL
MM Doc. No. 98-214, RM-9353
Assignment of Channel 277A
Gilman, Illinois
January 1999

This Technical Exhibit supports the Counter Proposal by Saga Communications of Illinois, Inc. to MM Doc. 98-214, RM-9353. This rulemaking proposes to assign Channel 277A to Rantoul, Illinois as that community's third service. Saga proposes to assign the same channel to Gilman, Illinois as that community's first local service.

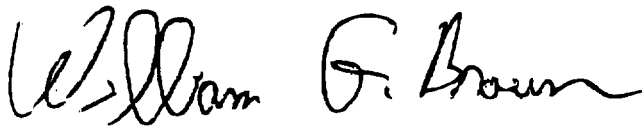
Gilman is an incorporated city of 1,816 persons according to the 1990 US Census and is not located within any urbanized area. The city provides many normal city services. It has its own library and police department. The city has its own business and residential districts. More information can be found on this community elsewhere in this counter proposal.

We used an allocation reference point of North Latitude 40° 40' 59" and West Longitude 88° 01' 53". From this point this counter proposal will meet all spacing requirements of Section 73.207 (FM spacing) of the Commission's Rules. Also from this site a 70 dBu city grade signal can be placed over the entire city of Gilman (See enclosed Exhibit).

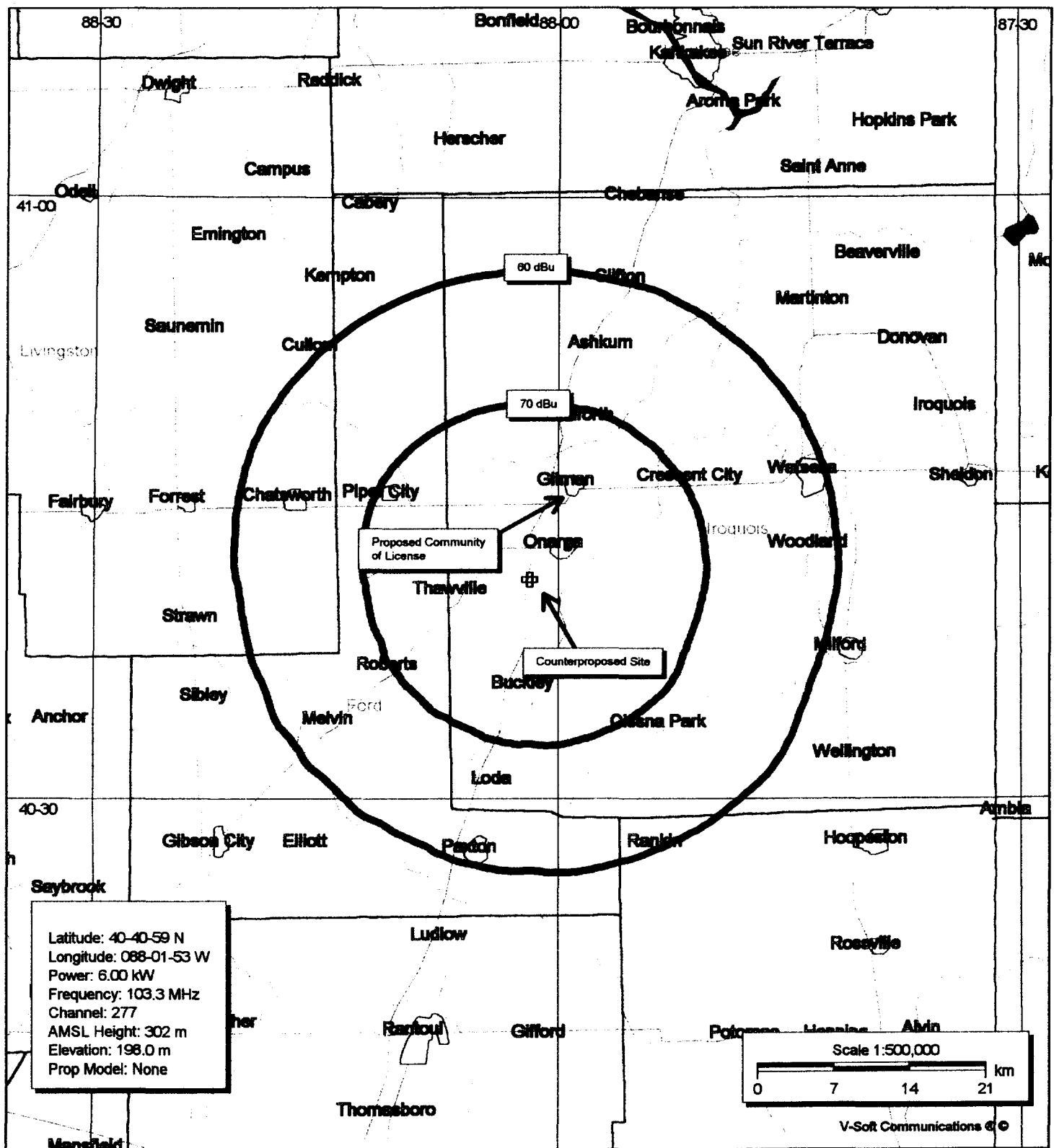
The City of Rantoul has a population of 17, 212 persons according to the 1990 Census. Rantoul has three radio services presently licensed: WJCI (AM) 1460; WQQB (FM), 241A and WZNF (FM), 237A.

Upon assignment of Channel 277A to Gilman, Illinois, Saga Communications of Illinois, Inc. will file a timely application for the Construction Permit for this facility.

Bromo Communications, Inc.

A handwritten signature in black ink, appearing to read "William G. Brown". The signature is fluid and cursive, with the first name "William" being more prominent than the last name "Brown".

William G. Brown



Bromo Communications Inc.
Broadcast Technical Consultants

Usable Area for Channel 277A
Rantoul Ill.

REFERENCE

40 40 59 N

88 01 53 W

CLASS = A

Current Spacings

DISPLAY DATES

DATA 01-09-99

SEARCH 01-16-99

----- Channel 277 - 103.3 MHz -----

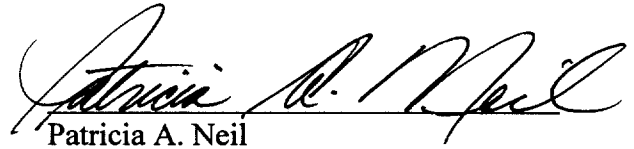
Call	Channel	Location	Dist	Azi	FCC	Margin
AD277	AD 277A	Rantoul IL	45.16	206.5	115.0	-69.84
WYXX	LI 276A	Morris IL	72.37	339.5	72.0	0.37
WYXX.A	AP 276A	Morris IL	72.37	339.5	72.0	0.37
WRZX	LI 277B	Indianapolis IN	178.53	118.8	178.0	0.53
WKZS	LI 276A	Covington IN	77.17	140.5	72.0	5.17
WAIV.A	AP 277A	Spring Valley IL	122.53	304.6	115.0	7.53
WAIV	LI 277A	Spring Valley IL	122.63	306.5	115.0	7.63
WUBT	LI 278B	Chicago IL	136.86	13.8	113.0	23.86
WKIF	LI 224A	Kankakee IL	50.19	13.3	10.0	40.19
WSOYFM	LI 275B	Decatur IL	118.29	221.1	69.0	49.29
WKIO	LI 223B1	Urbana IL	65.98	195.8	12.0	53.98
WXR	LI 280A	Crown Point IN	91.00	38.3	31.0	60.00
WKIO	LI 223B1	Urbana IL	73.71	187.3	12.0	61.71
WVAZ.C	CP 274B	Oak Park IL	133.94	12.3	69.0	64.94
WVAZ	LI 274B	Oak Park IL	139.28	14.0	69.0	70.28

CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law offices of Smithwick & Belendiuk, P.C., certify
that on this 25th day of January 1999, copies of the foregoing were mailed to the following:

Ms. Sharon P. McDonald*
Federal Communications Commission
2000 M Street, N.W., Room 569
Washington, D. C. 20554

Mr. Dale A. Ganske, President
L. Topaz Enterprises, Inc.
5546-3 Century Avenue
Middleton, Wisconsin 53562


Patricia A. Neil

(*) by hand